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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,472	10/17/2003	Alan B. Mead	1005.1009	3003

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EXAMINER

TO, TUAN C

ART UNIT PAPER NUMBER

3663

DATE MAILED: 04/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/688,472

Applicant(s)

MEAD ET AL.

Examiner

Tuan C. To

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) 17-36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/17/03, 11/22/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of Group II, claims 2-16 in the reply filed on 01/03/2006 is acknowledged. The traversal is on the ground(s) that claim 1 of Group I and claim 2 of Group II define the same essential characteristics of a single disclosed embodiment of the invention and the restriction between Group I and Group II is not proper. The applicant's arguments regarding to the restriction between said groups is persuasive, therefore, the claims of Group I and the claims of Group II are combined in a single group (Group II) for examination.

Claims 17-36 are withdrawn from consideration.

The restriction requirement between Group II, Group III and Group IV is still deemed proper and is therefore made FINAL.

An action on claims 1, 2-16 follows:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowlds (US 6462702B1) and in view of Watanabe et al. (US 5289181A).

With respect to claim 1, Bowlds discloses a system/method of warning the law enforcement officers about the potential collision of the moving target (vehicle) traveling in the same direction with the patrol vehicle (Bowlds, column 3, lines 1-8) via a radar system. Said system/method comprises a Doppler based radar system (10) for use in monitoring the speed of moving target vehicle as well as determining whether determine the direction of the patrol vehicle.

Bowlds does not disclose the following: "generating an alert to the operator of the primary vehicle when the one or more parameters of the primary vehicle and the one or more parameters of the closing vehicle are at a predetermined status".

Watanabe et al. disclose a vehicle alarm system/method for informing other vehicles of its presence including an alarm generating means (114) (Watanabe et al, figure 2, alarm generating means 114) for generating an alert to an own vehicle driver

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(primary vehicle) of the presence of other vehicles (Watanabe et al., column 2, lines 6-33). It is clearly to understand the distance (parameter) between the own vehicle and the closing vehicle at a given distance. Therefore, Watanabe et al. inherently discloses "generating an alert to the operator of the primary vehicle when the one or more parameters of the primary vehicle and the one or more parameters of the closing vehicle are at a predetermined status".

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Bowlds to include the teachings of Watanabe et al, in order to alert other drivers about the approaching of emergency vehicle or law enforcement vehicle by using transmitted radio wave.

With respect to claims 2-10, Bowlds discloses a system/method of warning the law enforcement officers about the potential collision of the moving target (vehicle) traveling in the same direction with the patrol vehicle (Bowlds, column 3, lines 1-8) via a radar system. Said system/method comprises a Doppler based radar system (10) for use in monitoring the speed of moving target vehicle as well as determining whether determine the direction of the patrol vehicle. Bowlds further teaches: "determining the pattern of speed variation of the primary vehicle during a predetermined time interval" (Bowlds, column 6, lines 45-53), "determining the state of the transmission of the primary vehicle during said predetermined time interval" (Bowlds, abstract; column 6, lines 55-65).

Bowlds does not disclose the following: "generating an alert to the operator of the primary vehicle when (1) the said pattern correspond to a predetermined pattern

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indicative of a particular driving maneuver, (2) the said one or more parameters of the state of movement of the closing vehicle are at a predetermined status; and/or (3) another condition exists”.

Watanabe et al. disclose a vehicle alarm system/method for informing other vehicles of its presence including an alarm generating means (114) (Watanabe et al, figure 2, alarm generating means 114) for generating an alert to an own vehicle driver (primary vehicle) of the presence of other vehicles (Watanabe et al., column 2, lines 6-33). It is clearly to understand the distance (parameter) between the own vehicle and the closing vehicle at a given distance. Therefore, Watanabe et al. inherently discloses “generating an alert to the operator of the primary vehicle when the said pattern corresponds to a predetermined pattern indicative of a particular driving maneuver, and the said one or more parameters of the closing vehicle are at a predetermined status, and another condition exists”.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Bowlds to include the teachings of Watanabe et al, in order to alert other drivers about the approaching of emergency vehicle or law enforcement vehicle by using transmitted radio wave.

With regard to claim 11, Bowlds discloses that the primary vehicle is a highway patrol vehicle (Bowlds, column 3, lines 1-8).

With regard to claim 12, Bowlds discloses that “determining the pattern of speed variations of the primary vehicle during a predetermined time interval is performed by a police radar unit” (Bowlds, column 5, lines 40-43, Doppler radar system 10).

With regard to claim 13, Bowlds further disclose that the radar system includes an oscillator for generating a signal and an antenna that transmits the signal to a target vehicle traveling in the same direction with the patrol vehicle (Bowlds, abstract).

With regard to claim 14, Bowlds teaches that the parameter about the state of the movement of the closing vehicle, which is the speed of the target vehicle, is detected by the Doppler radar system onboard the patrol vehicle.

With regard to claims 15 and 16, Watanabe et al. teaches that the alert signal is generated to the operator of the own vehicle, where the own vehicle can be a police vehicle (Watanabe et al., abstract).

Conclusions

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan C To whose telephone number is (571) 272-6985. The examiner can normally be reached on from 8:00AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should


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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patent Examiner,



Tuan C To

March 17, 2006